

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor: Apollon Papadimitriou

Group: 1656

Serial No. 10/780,297, filed February 17, 2004
(Ref. No. 20619 US1)

Examiner: Kam, Chih Min

For: **ERYTHROPOIETIN COMPOSITION**

REQUEST TO CHARGE DEPOSIT ACCOUNT

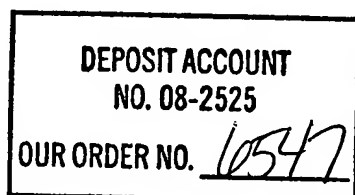
Nutley, New Jersey 07110
January 17, 2006

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a **SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT** in the above-identified application.

- ☒ Please charge Deposit Account No. 08-2525 in the amount of \$180.00 which is the fee in connection with the filing of the enclosed paper.
- ☒ The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 08-2525.



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Filed: February 17, 2004

X This sheet is provided in duplicate.

Respectfully submitted,



Attorney of Record
Patricia S. Rocha-Tramaloni
(Reg. No. 31,054)
Telephone: (973) 235-2441
Telefax: (973) 235-2363

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Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicants respectfully direct the Examiner's attention to the documents listed on enclosed Form PTO-1449.

Documents A19-20, B14-B19 are listed on Form PTO-1449. Documents B14-B19 are enclosed. Documents A19-A20 are not enclosed because they are U.S. Patents.

Applicant also brings to the attention of the Examiner a recently filed Opposition by Sandoz in Europe against European Patent EP 1 311 285 which correspond to the instant application. The Opposition lists Documents B15-B19. With the exception of "Austria-Codex 1998/99 (AT-Codex)", to the extent the Opposition Notice includes documents not herein cited it is because these documents, or an equivalent thereof, already were submitted in the instant application. The undersigned is attempting to

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ascertain what the Austria-Codex reference is and will make available to the PTO whatever undersigned obtains.

Document B14, WO 03/020299, which appears to be a CIP of and claim priority from US Serial No. 09/945,517 (Document A20 published as US 2003/0104996 A1, is now abandoned) is cited strictly for completion but it is noted that it is not a prior art reference against the instant application.

The Examiner's attention is particularly directed to US Patent No. 5,272,135 (Document A19), which was brought to the undersigned's attention on January 11, 2006, and which describes the use of methionine to stabilize polypeptide containing aqueous ophthalmic preparations. At column 6, the pH of the ophthalmic compositions is described to be "essentially neutral pH of about 7.0 to about 7.4." (Column 6, lines 7-8).

Consideration of all the documents cited on Form PTO-1449 is requested.

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Since the Supplemental Information Disclosure Statement is submitted after a Final Action or Notice of Allowance, Applicants petition that the Information Disclosure Statement be considered. Submitted is a Fee Sheet and a certificate under 37 C.F.R. § 1.97(e).

Respectfully submitted,



Patricia S. Rocha-Tramaloni
Attorney for Applicant(s)
(Reg. No. 31,054)
340 Kingsland Street
Nutley, New Jersey 07110
Telephone: (973) 235-2441
Telefax: (973) 235-2363

Attachments

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